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# A BILL FOR AN ACT

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 206E, Hawaii Revised Statutes, is  
2 amended by adding a new part to be appropriately designated and  
3 to read as follows:

4           "PART           .   **PANAWEA COMMUNITY DEVELOPMENT DISTRICT**

5           **§206E-           Purposes; findings.** The legislature finds that  
6 public lands in Panaewa, Hawaii, are underutilized.  
7 Redeveloping, renovating, or improving these public lands to  
8 provide suitable recreational, residential, educational,  
9 industrial, governmental, and commercial areas where the public  
10 can live, congregate, recreate, attend schools, and shop as part  
11 of a thoughtfully integrated experience is in the best interest  
12 of the State.

13          **§206E-           Definitions.** As used in this part:

14          "District" means the Panaewa community development  
15 district.

16          "Fund" means the Panaewa community development district  
17 special fund.



1           **§206E- District established; boundaries.** (a) The  
2 Panaewa community development district is hereby established  
3 under the authority.

4           (b) The authority shall serve as the local redevelopment  
5 agency for the district.

6           (c) The district shall be composed of the following  
7 properties:

- 8           (1) TMK (3) 2-4-049-016;
- 9           (2) TMK (3) 2-4-049-017;
- 10          (3) TMK (3) 2-4-049-018;
- 11          (4) TMK (3) 2-4-049-032; and
- 12          (5) TMK (3) 2-4-049-033.

13           **§206E- Development policies.** The following development  
14 policies shall guide the authority in the district:

15           (1) Archaeological, historical, and cultural sites shall  
16 be preserved and protected in accordance with  
17 chapter 6E;

18           (2) Endangered species of flora and fauna shall be  
19 preserved to the extent required by law;

20           (3) Land use and development activities within the  
21 district shall be coordinated with and, to the extent



1 possible, complement existing county and state  
2 policies, plans, and programs affecting the district;  
3 and

4 (4) Public facilities within the district shall be  
5 planned, located, and developed to support the  
6 development policies established by this section and  
7 any rules adopted pursuant to this part.

8 **§206E- Financial aid from the federal government;**  
9 **contracts with the federal government.** (a) The authority may  
10 secure financial aid from the federal government for any  
11 planning, design, development, construction, and maintenance  
12 work that the authority is authorized to undertake pursuant to  
13 this part.

14 (b) In addition, and supplemental to the powers granted to  
15 the authority under section 206E-4, the authority may:

16 (1) Borrow moneys or accept grants from the federal  
17 government in aid of or for any development project  
18 the authority is authorized to undertake pursuant to  
19 this part;



- 1           (2) Issue bonds or other evidence of indebtedness and
- 2           pledge revenues and other assets as security for
- 3           indebtedness incurred pursuant to this part;
- 4           (3) Repay any indebtedness, including any interest
- 5           incurred thereon by the authority pursuant to this
- 6           part;
- 7           (4) Procure insurance or loan guarantees from the federal
- 8           government for the payment of any debts or parts
- 9           thereof secured by mortgages made by or held by the
- 10          authority;
- 11          (5) Execute contracts with the federal government in
- 12          accordance with this part; and
- 13          (6) Comply with terms and conditions required by the
- 14          federal government in any contract or grant for
- 15          federal assistance.
- 16          (c) It is the purpose and intent of this section to
- 17 authorize the authority to do all things necessary to secure the
- 18 cooperation of and financial aid from the federal government for
- 19 any planning, design, development, construction, and maintenance
- 20 work that the authority is authorized to undertake pursuant to
- 21 this part.



1           **§206E- Panaewa community development district special**  
2 **fund.** (a) There shall be established in the state treasury the  
3 Panaewa community development district special fund, into which  
4 shall be deposited:

5           (1) All revenues, income, and receipts of the authority  
6           for the district, notwithstanding any other law to the  
7           contrary, including section 206E-16;

8           (2) Moneys directed, allocated, or disbursed to the  
9           district from government agencies or private  
10          individuals or organizations, including grants, gifts,  
11          awards, donations, and assessments of landowners for  
12          costs to administer and operate the district; and

13          (3) Moneys appropriated to the fund by the legislature.

14          (b) Moneys in the fund shall be used only for the purposes  
15 of this part.

16          (c) Investment earnings credited to the assets of the fund  
17 shall become assets of the fund.

18           **§206E- Annual comprehensive report.** No later than  
19 twenty days prior to the convening of each regular session, the  
20 authority shall submit to the legislature an annual



1 comprehensive report on the progress of development within the  
2 district."

3 SECTION 2. Section 206E-3, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§206E-3 Hawaii community development authority;**  
6 **established.** (a) There is established the Hawaii community  
7 development authority, which shall be a body corporate and a  
8 public instrumentality of the State, for the purpose of  
9 implementing this chapter. The authority shall be placed within  
10 the department of business, economic development, and tourism  
11 for administrative purposes.

12 (b) The authority shall consist of [~~the~~]:

13 (1) The director of finance or the director's designee;  
14 [~~the~~]

15 (2) The director of transportation or the director's  
16 designee; [~~the~~]

17 (3) The director of business, economic development, and  
18 tourism or the director's designee; [~~the~~]

19 (4) The chairperson of the board of land and natural  
20 resources; [~~the~~]



- 1        (5)    The director of planning or planning and permitting of  
2                    each county in which a community development district  
3                    is located or the director's designee; [~~a~~]
- 4        (6)    One cultural specialist; [~~an~~]
- 5        (7)    One at-large member nominated by the president of the  
6                    senate; [~~an~~]
- 7        (8)    One at-large member nominated by the speaker of the  
8                    house of representatives; [~~two~~]
- 9        (9)    Two representatives of the Heeia community development  
10                   district, [~~comprising one~~] consisting of:
- 11                    (A)    One resident of that district or the Koolaupoko  
12                    district, which consists of sections 1 through 9  
13                    of zone 4 of the first tax map key division[~~7~~];  
14                    and [~~one~~]
- 15                    (B)    One owner of a small business or one officer or  
16                    director of a nonprofit organization in the Heeia  
17                    community development district or Koolaupoko  
18                    district; [~~two~~]
- 19        (10)    Two representatives of the Kalaeloa community  
20                    development district, [~~comprising one~~] consisting of:



1           (A) One resident of the Ewa zone (zone 9, sections 1  
2           through 2) or the Waianae zone (zone 8, sections  
3           1 through 9) of the first tax map key  
4           division~~[r]~~; and ~~[one]~~

5           (B) One owner of a small business or one officer or  
6           director of a nonprofit organization in the Ewa  
7           or Waianae zone; ~~[two]~~

8           (11) Two representatives of the Kakaako community  
9           development district, ~~[comprising one]~~ consisting of:

10           (A) One resident of the district; and ~~[one]~~

11           (B) One owner of a small business or one officer or  
12           director of a nonprofit organization in the  
13           district; ~~[and two]~~

14           (12) Two representatives of the Pulehunui community  
15           development district, consisting of ~~[one]~~:

16           (A) One resident of the island of Maui~~[r]~~; and ~~[one]~~

17           (B) One owner of a small business or one officer or  
18           director of a nonprofit organization on the  
19           island of Maui~~[r]~~; and

20           (13) Two representatives of the Panaewa community  
21           development district, consisting of:



1           (A) One resident of the island of Hawaii; and  
2           (B) One owner of a small business or one officer or  
3           director of a nonprofit organization on the  
4           island of Hawaii.

5           (c) All members except the director of finance[~~7~~];  
6           director of transportation[~~7~~]; county directors of planning or  
7           planning and permitting[~~7~~]; director of business, economic  
8           development, and tourism[~~7~~]; chairperson of the board of land  
9           and natural resources[~~7~~]; or their respective designees shall be  
10          appointed by the governor pursuant to section 26-34.

11          The two at-large members nominated by the president of the  
12          senate and speaker of the house of representatives shall each be  
13          invited to serve and appointed by the governor from a list of  
14          three nominees submitted for each position by the nominating  
15          authority specified in [~~this~~] subsection[~~7~~] (b).

16          The president of the senate and the speaker of the house of  
17          representatives shall each submit a list of six nominees for  
18          each district to the governor to fill the two district  
19          representative positions for each community development  
20          district. For each community development district, the governor  
21          shall appoint one member from a list of nominees submitted by



1 the president of the senate and one member from a list of  
2 nominees submitted by the speaker of the house of  
3 representatives, and of the two appointees, one shall meet the  
4 district residency requirement and one shall meet the district  
5 small business owner or nonprofit organization officer or  
6 director requirement.

7 (d) The authority shall be organized and shall exercise  
8 jurisdiction as follows:

9 (1) For matters affecting the Heeia community development  
10 district, the following members shall be considered in  
11 determining quorum and majority and shall be eligible  
12 to vote:

13 (A) The director of finance or the director's  
14 designee;

15 (B) The director of transportation or the director's  
16 designee;

17 (C) The director of business, economic development,  
18 and tourism or the director's designee;

19 (D) The director of planning and permitting for the  
20 county in which the Heeia community development  
21 district is located or the director's designee;



- 1 (E) The cultural specialist;
- 2 (F) The two at-large members; and
- 3 (G) The two representatives of the Heeia community
- 4 development district;
- 5 (2) For matters affecting the Kalaeloa community
- 6 development district, the following members shall be
- 7 considered in determining quorum and majority and
- 8 shall be eligible to vote:
- 9 (A) The director of finance or the director's
- 10 designee;
- 11 (B) The director of transportation or the director's
- 12 designee;
- 13 (C) The director of business, economic development,
- 14 and tourism or the director's designee;
- 15 (D) The director of planning and permitting for the
- 16 county in which the Kalaeloa community
- 17 development district is located or the director's
- 18 designee;
- 19 (E) The cultural specialist;
- 20 (F) The two at-large members; and



- 1 (G) The two representatives of the Kalaeloa community
- 2 development district;
- 3 (3) For matters affecting the Kakaako community
- 4 development district, the following members shall be
- 5 considered in determining quorum and majority and
- 6 shall be eligible to vote:
- 7 (A) The director of finance or the director's
- 8 designee;
- 9 (B) The director of transportation or the director's
- 10 designee;
- 11 (C) The director of business, economic development,
- 12 and tourism or the director's designee;
- 13 (D) The director of planning and permitting for the
- 14 county in which the Kakaako community development
- 15 district is located or the director's designee;
- 16 (E) The cultural specialist;
- 17 (F) The two at-large members; and
- 18 (G) The two representatives of the Kakaako community
- 19 development district; [~~and~~]
- 20 (4) For matters affecting the Pulehunui community
- 21 development district, the following members shall be



1 considered in determining quorum and majority and  
2 shall be eligible to vote:

3 (A) The director of finance or the director's  
4 designee;

5 (B) The director of transportation or the director's  
6 designee;

7 (C) The director of business, economic development,  
8 and tourism or the director's designee;

9 (D) The director of planning for the county in which  
10 the Pulehunui community development district is  
11 located or the director's designee;

12 (E) The chairperson of the board of land and natural  
13 resources or the chairperson's designee;

14 (F) The cultural specialist;

15 (G) The two at-large members; and

16 (H) The two representatives of the Pulehunui  
17 community development district[-]; and

18 (5) For matters affecting the Panaewa community  
19 development district, the following members shall be  
20 considered in determining quorum and majority and  
21 shall be eligible to vote:



- 1           (A) The director of finance or the director's
- 2                   designee;
- 3           (B) The director of transportation or the director's
- 4                   designee;
- 5           (C) The director of business, economic development,
- 6                   and tourism or the director's designee;
- 7           (D) The director of planning for the county in which
- 8                   the Panaewa community development district is
- 9                   located or the director's designee;
- 10          (E) The chairperson of the board of land and natural
- 11                   resources or the chairperson's designee;
- 12          (F) The cultural specialist;
- 13          (G) The two at-large members; and
- 14          (H) The two representatives of the Panaewa community
- 15                   development district.
  
- 16          (e) In the event of a vacancy, a member shall be appointed
- 17 to fill the vacancy in the same manner as the original
- 18 appointment within thirty days of the vacancy or within ten days
- 19 of the senate's rejection of a previous appointment, as
- 20 applicable.



1        (f) The terms of the director of finance; director of  
2 transportation; county directors of planning or planning and  
3 permitting; director of business, economic development, and  
4 tourism; and chairperson of the board of land and natural  
5 resources; or their respective designees shall run concurrently  
6 with each official's term of office.

7        The terms of the appointed voting members shall be for four  
8 years, commencing on July 1 and expiring on June 30. The  
9 governor shall provide for staggered terms of the initially  
10 appointed voting members so that the initial terms of four  
11 members selected by lot shall be for two years, the initial  
12 terms of four members selected by lot shall be for three years,  
13 and the initial terms of the remaining three members shall be  
14 for four years.

15        The governor may remove or suspend for cause any member  
16 after due notice and public hearing.

17        (g) Notwithstanding section 92-15, a majority of all  
18 eligible voting members as specified in [~~this~~] subsection (d)  
19 shall constitute a quorum to do business, and the concurrence of  
20 a majority of all eligible voting members as specified in [~~this~~]  
21 subsection (d) shall be necessary to make any action of the



1 authority valid. All members shall continue in office until  
2 their respective successors have been appointed and qualified.  
3 Except as herein provided, no member appointed under this  
4 ~~[subsection]~~ section shall be an officer or employee of the  
5 State or its political subdivisions.

6 (h) For purposes of this section, "small business" means a  
7 business that is independently owned and ~~[that is]~~ not dominant  
8 in its field of operation."

9 SECTION 3. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Panaewa Community Development District; Hawaii Community  
Development Authority; Establishment

**Description:**

Establishes the Panaewa Community Development District to allow for planning, development, and maintenance of public lands in Panaewa, Hawaii. Amends membership of the Hawaii Community Development Authority to include representatives of the Panaewa Community Development District. Effective 7/1/3000. (HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

